



COUNTY OF LOS ANGELES
CLAIMS BOARD
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

John Naimo
Auditor-Controller
Laurie Milhiser
Chief Executive Office
Patrick A. Wu
Office of the County Counsel

CORRECTIONS AND/OR ADDITIONS

**To the Agenda for the Claims Board Meeting of
Monday, December 19, 2011, at 9:30 a.m.**

ADD:

3. Closed Session - Conference with Legal Counsel - Existing
Litigation (Subdivision (a) of Government Code Section 54956.9).

- d. Claim of AT&T

This lawsuit seeks compensation for damages for the repair
of an underground phone duct and cable damaged by an
employee of the Department of Public Works; settlement is
recommended in the amount of \$24,380.92

[See Supporting Documents](#)

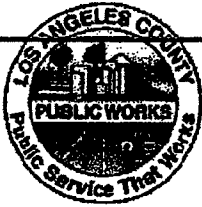
CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	AT&T
CASE NUMBER	Non-litigated Claim
COURT	N/A
DATE FILED	7/15/2009
COUNTY DEPARTMENT	Public Works – Road Maintenance
PROPOSED SETTLEMENT AMOUNT	\$ 24,380.92
ATTORNEY FOR PLAINTIFF	N/A
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	<p>On January 7, 2009, a Department of Public Works Road Maintenance worker, operating a back hoe during tree planting operations, hit and damaged an AT&T phone duct and cable. The back hoe was used to excavate dirt from a tree well in the sidewalk in front of 2644 Foothill Boulevard, La Crescenta. AT&T contends the County employee(s) was negligent in the operation of the back hoe.</p> <p>Because of the uncertainties of litigation, settlement is recommended to avoid the potential for a higher damage award and the cost of litigation.</p>

PAID ATTORNEY FEES, TO DATE	\$	0
-----------------------------	----	---

PAID COSTS, TO DATE	\$	0
---------------------	----	---



Summary Corrective Action Plan

County of Los Angeles Department of Public Works



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Claim.	AT&T
Date of incident/event:	January 7, 2009
Briefly provide a description of the incident/event:	On January 7, 2009, during tree planting operations in the parkway in front of 2644 Foothill Boulevard, in the unincorporated La Cresenta area, a backhoe operator from our Road Maintenance Division struck and damaged an AT&T duct and cable.

1 Briefly describe the root cause of the claim/lawsuit:

Prior to our tree planting operations, AT&T marked the location of their duct and cable in the parkway. However, prior to excavating the tree well with the backhoe, Public Works personnel failed to confirm the presence or nonpresence of AT&T's underground facilities, through hand digging.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)



Since it is Public Works' practice to allow each member of the crew to hone their skills by taking turns operating the excavator, it is not possible to determine specifically who the operator was on this particular tree well. Therefore, the entire crew received a verbal warning to follow proper excavation procedures.

By June 1, 2011, all personnel in Road Maintenance Division engaged in excavation work will be reminded/instructed by memorandum to expose all underground utilities, through hand digging, at the project site prior to commencing excavation work.

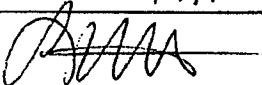
County of Los Angeles Department of Public Works
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has Countywide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments)
- ☒ Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator)	Date:
Steven G Steinhoff 	5-04-2011
Signature: (Director)	Date:
Gail Farber 	5-11-11.

Chief Executive Office Risk Management Branch

Name:	Date:
LEO COSTANTINO	
Signature:	Date:
	5/20/2011

ARM:psr
P4:AT&T SCAP2